

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**IN RE: COMPOUNDING PHARMACY  
PRODUCTS LIABILITY LITIGATION**

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**1:13-md-02419-RWZ**

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*THIS DOCUMENT RELATES TO*

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All Actions

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**AMERIDOSE LLC's NOTICE REGARDING THE DISPOSITION OF ASSETS**

This Notice was originally filed in 12-cv-12052(FDS) as Docket Number 246. It is now being filed in 1:13-md-02419-RWZ.

On May 2, 2014, the Plan Support and Funding Agreement (the "Agreement") was entered into by and among: (a) Paul D. Moore, in his capacity as duly appointed and acting chapter 11 Trustee of the New England Compounding Center (the "NECC Trustee") in the chapter 11 bankruptcy case of New England Compounding Center, Case No. 12-19882, pending in the U.S. Bankruptcy Court for the District of Massachusetts and (b) Barry and Lisa Cadden; (c) Carla Conigliaro; and (d) Greg Conigliaro. The Trustee filed notice of the Agreement on May 6, 2014 [Dkt. 1106] and the Agreement was subsequently approved by U.S. Bankruptcy Court with the support of both the Creditor's Committee in the Bankruptcy and the Plaintiff's Steering Committee in the MDL. As is contemplated by Section 2.3 of the Agreement, the owners of Ameridose are seeking to sell assets. As part of that process, Ameridose has recently issued letters to potentially interested parties soliciting final bids for the purchase of three discreet categories of assets. The NECC Trustee has approved this solicitation process.

The first category of assets for which final bids have been solicited consists of physical equipment at Ameridose, which ranges from manufacturing equipment to cardboard boxes. The second category consists of certain Ameridose intellectual property. The third category consists of a perpetual, exclusive, royalty-free license to the software that Medical Sales Management Inc., ("MSM") developed for Ameridose's business operations. None of these assets fall into the definition of "tangible things ... that are, or are reasonably likely to be, relevant and/or subject to discovery in this litigation" per the Court's December 13, 201 Preservation Order. *See* [Dkt. 111.] A letter outlining this asset sale process was issued to counsel for the Plaintiff Steering Committee, Committee of Unsecured Creditors, Liberty Industries, Unifirst Corporation, the Tennessee Clinic Defendants, and NECC. on October 8, 2014-.

ACCORDINGLY, AMERIDOSE, IN CONSULTATION WITH THE TRUSTEE, HEREBY NOTIFIES ALL PARTIES TO THIS LITIGATION THAT, IN ACCORDANCE WITH THE AGREEMENT, IT INTENDS TO SELL OR OTHERWISE DISPOSE OF ALL REMAINING AMERIDOSE PROPERTY AND TO VACATE THE WESTBOROUGH FACILITY.

DATED: October 21, 2014

Respectfully submitted,

/s/ Matthew P. Moriarty

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on October 21, 2014 using the ECF system that sent notification of this filing to all ECF-registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Matthew P. Moriarty

*Attorney for Defendant Ameridose, LLC*